



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
V.) Case No. 3:08-cr-00223
)
JULIO CESAR BENAVIDES-SALAZAR) Judge Trauger

MOTION TO DISMISS INDICTMENT WITHOUT PREJUDICE

The United States respectfully requests that the Court dismiss the indictment in the above case without prejudice, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. In support of this motion, the United States submits the following: (1) Julio Cesar Benavides-Salazar, the defendant, was named in a single-count indictment charging him with illegal reentry into the United States after being convicted of an aggravated felony, in violation of Title 8, Sections 1326(a) and (b)(2), (DE #1); (2) A warrant was then issued for defendant's arrest, (DE #3), followed by a writ to have the defendant brought to the Middle District of Tennessee from the LaSalle Detention Center in Louisiana, (DE #4); (3) Prior to the execution of the writ, the defendant was deported from the United States and back to his home country of Mexico. In the event that the defendant reenters the United States again without permission, the United States anticipates re-indicting the offense underlying this instant indictment, and therefore requests that the indictment be dismissed without prejudice.